

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KODY BRACE,
Plaintiff,
v.
JAMES DZURENDA, et al.,
Defendants.

Case No.: 2:24-cv-02205-RFB-MDC

ORDER

On November 26, 2024, pro se plaintiff Kody Brace, an inmate in the custody of the Nevada Department of Corrections, submitted an application to proceed *in forma pauperis* (“IFP”) and a motion for the appointment of counsel. ECF Nos. 1, 1-1. Plaintiff has not filed a complaint and his IFP application failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period.

Plaintiff is advised that “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

Additionally, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is

1 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
2 **inmate's prison or jail trust fund account statement for the previous six-month**
3 **period.** See 28 U.S.C. § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status does not
4 relieve an inmate of his obligation to pay the filing fee, it just means that he can pay the
5 fee in installments. See 28 U.S.C. § 1915(b).

6 It is therefore ordered that Plaintiff has **until January 31, 2025**, to submit a signed
7 complaint to this Court.

8 It is further ordered that Plaintiff has **until January 31, 2025**, to either pay the full
9 \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all
10 three required documents: a completed application with the inmate's two signatures on
11 page 3; a completed financial certificate that is signed both by the inmate and the prison
12 or jail official; and a copy of the inmate's trust fund account statement for the previous six-
13 month period.

14 It is further ordered that if Plaintiff fails to timely comply with this order, this action
15 will be subject to dismissal without prejudice. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when he can file a complaint
17 and either complete an application to proceed *in forma pauperis* or pay the filing fee.

18 The Clerk of the Court is directed to send Plaintiff Kody Brace the approved form
19 application to proceed *in forma pauperis* for an inmate and instructions for the same and
20 the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

21 DATED: December 2, 2024.

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23 UNITED STATES MAGISTRATE JUDGE
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